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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 12 2001

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MAR 7 2001

Mr. Ronald C. Marshall, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

Dear Mr. Marshall:

As requested, the Department of the Interior (Department) has reviewed the December 2000 draft supplemental final environmental impact statement (DSFEIS) and section 4(f) evaluation for *FAP Route 340 (I-355 South Extension)*, Interstate Route 55 to Interstate Route 80; Cook, DuPage and Will Counties, Illinois. The Department offers the following comments for your consideration.

SECTION 4(f) COMMENTS

The section 4(f) evaluation addresses substantive changes relating to section 4(f) resources as a result of changes made to the proposed project since publication of the 1996 final environmental impact statement (FEIS). One section 4(f) resource, the historic Lustron House, was razed before the Historic American Building Survey (HABS) documentation previously agreed to could be accomplished. This is unfortunate. However, we concur with the new measures to minimize impacts to the property as described in section 5.5.1 of the section 4(f) evaluation.

The only other section 4(f) resource that could be impacted by changes made since 1996 FEIS is the Spring Creek Preserve/Greenway. The preferred alternative (Tollroad/Freeway Alternative) would not impact this resource. However, the Enhanced Arterial and Lemont Bypass alternatives could require a minimum of 0.45 hectares (1.10 acres) of land from the Preserve/Greenway.

Page 5-6 of the DSFEIS notes that the 1996 FEIS found there was no feasible and prudent alternative to the use of land from the Keepataw Forest Preserve. The Department concurred with this finding in our comment letter of September 8, 1995. This property is protected by the requirements of section 6(f)(3) of the Land and Water Conservation Fund (L&WCF) Act. The National Park Service (NPS) has informed us that it originally approved conversion of that land pursuant to section 6(f)(3) of the Land and Water Conservation Fund (L&WCF) Act. However, because

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of the January 1997 ruling of the U.S. District Court, Northern District of Illinois, the NPS rescinded that approval. Accordingly, the application for conversion of this section 6(f)(3) property should be resubmitted in its entirety to the NPS before land acquisition may occur.

If the preferred alternative as described in the DSFEIS is implemented, the Department has no objection to section 4(f) approval of the project by the Department of Transportation, provided requirements of section 6(f)(3) of the L&WCF Act are satisfied. If either the Enhanced Arterial or Lemont Bypass alternative is selected, a revised section 4(f) evaluation should be prepared.

ENVIRONMENTAL IMPACT STATEMENT COMMENTS

The Department believes that the No Action Alternative is the environmentally preferable alternative as all of the build alternatives result in unavoidable impacts to natural resources. However, we recognize that the No-Action Alternative may not satisfy the stated purpose and need for the project. The DSFEIS indicates that alternatives were evaluated in their ability to meet project purpose and need based on quantifiable performance measures including travel time and safety. A new alternative, the Lemont Bypass Alternative, is introduced in the DSFEIS and yields performance improvements over the No-Build Alternative for all evaluation measures and, of all the build alternatives evaluated, ranks second only to the Preferred Alternative (Tollroad/Freeway Alternative) in terms of these performance measures. However, without establishing any critical threshold to define whether or not a given alternative meets project purpose and need, the DSFEIS states that the Lemont Bypass Alternative fails to meet the project purpose and need and is therefore eliminated from further detailed study. As a consequence of this determination, detailed environmental impact information is presented in the DSFEIS only for the Tollroad/Freeway Alternative.

- 3.7 A primary objective of the National Environmental Policy Act is to ensure that agency decisionmakers take environmental factors into account. This objective is to be accomplished by presenting in the EIS the environmental impacts of a proposed action and reasonable alternatives in comparative form so that a clear basis for choice among options is provided to agency decisionmakers and the public. Each alternative is to be given substantial treatment and to be objectively evaluated. Due to the lack of detailed environmental analysis of other project alternatives, particularly the Lemont Bypass Alternative, that appear to be capable of meeting applicable purpose and need performance measures, we do not believe that this objective has been met. In order to remedy this matter, we strongly urge the Federal Highway Administration to issue an additional supplementary environmental impact statement fully identifying and evaluating the environmental impacts of the Lemont Bypass Alternative.

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- 4.11 In addition to the above noted failure to conform to NEPA's requirements for alternatives evaluation, we also note that the DSFEIS fails to substantiate compliance with the requirements for avoidance and minimization of wetlands impacts as set forth in Clean Water Act Section 404(b)(1) Guidelines, as well as in the Executive Order 11990 on Protection of Wetlands. The DSFEIS does not present the anticipated wetlands impacts that would be associated with implementation of the Lemont Bypass Alternative. Our review of Exhibits 2-12, 2-13, and 2-14 (Wetland and Floodplain Boundaries) in the FEIS indicates that the acreage of wetlands that might be impacted by the Lemont Bypass Alternative may be somewhat less than that impacted by the Preferred Alternative. Since more detailed wetlands impacts information has not been presented in the DSFEIS for the Lemont Bypass Alternative, we lack a satisfactory basis upon which to conclude that the Tollroad/Freeway Alternative is the alternative with the least potential wetlands impacts while meeting project purpose and need.

If you have any questions concerning these comments, please contact the U.S. Fish and Wildlife Service, Mr. Lyn MacLean, Fort Snelling, MN, at 612/713-5330, or Mr. Jeff Mengler of the Chicago Field Office at 847/381-2253 x226.

We appreciate the opportunity to provide these comments.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc: Mr. John P. Kos, P.E.
District Engineer
Illinois Department of Transportation
201 West Center Court
Schaumburg, Illinois 60196

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FEB 26 2001

Mr. Ronald C. Marshall
Division Administrator
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Springfield, Illinois 62703

REPLY TO THE ATTENTION OF
B-19J

Re: FHWA/IDOT Draft Supplemental EIS-FAP 340/I-355 South Extension; CEQ
No.000463

Dear Mr. Marshall:

In accordance with our responsibilities under both the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the FAP 340 (I-355 South Extension) Project.

As described in the DSEIS, the general purpose of the project is to provide a transportation system improvement in order to facilitate north-south mobility between I-55 and I-80 so as to accommodate present and 2020 projected travel demand. The project is located approximately 25 miles southwest of the City of Chicago, within north central Will, southern DuPage, and southwestern Cook Counties.

Based upon our review of the DSEIS, our Agency hereby concurs in the project's purpose and need criteria. Information presented in the DSEIS on present and projected levels of service, congestion levels, and area population forecasts is sufficient to demonstrate that a "build" alternative must be implemented. In providing this concurrence, however, we are also taking the opportunity to note that we are not, in any sense, extending our concurrence to the specific population, land use, and employment forecasts associated with the South Suburban Build Airport Scenario. Finally, our Agency also concurs that a sufficient range of "build" alternatives has been preliminarily identified. We do not concur, however, that only the tollroad/freeway alternative has been shown to meet the established purpose and need criteria.

- 3.7 Information presented in the DSEIS indicates that the Lemont Bypass Alternative also satisfies the project's purpose and need criteria. Since detailed environmental impact information is presented in the DSEIS only for the tollroad/freeway alternative, however, we believe there has been a serious failure to adequately implement the NEPA process on behalf of this project. In this regard, NEPA requires that identified alternatives capable of meeting applicable purpose and need criteria be evaluated fully and fairly, as a basis for both public disclosure and informed Federal agency decision-making. In order to remedy this serious matter, we strongly urge your Agency to issue an additional supplementary environmental impact statement fully identifying

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